

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
APPENDIX**





**ORIGINAL**  
**74-2356**

B  
PL

In The  
**United States Court of Appeals**  
For The Second Circuit

UNITED STATES OF AMERICA,

*Appellee,*

- against -

PAUL IAN CHALEFF,

*Appellant.*

*On Appeal from the United States District Court for the  
Southern District of New York*

**APPENDICES FOR APPELLANT, PAUL IAN  
CHALEFF**

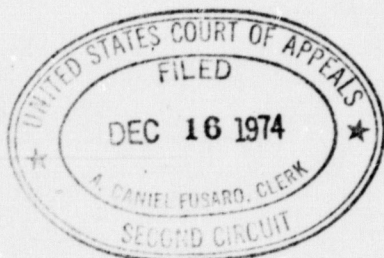
JULIA P. HEIT

*Attorney for Appellant*

210 East 15th Street

New York, New York 10003

(212) SP 7-8242



(7888)

**LUTZ APPELLATE PRINTERS, INC.**  
Law and Financial Printing

South River, N. J.  
(201) 257-6850

New York, N. Y.  
(212) 565-6377

Philadelphia, Pa.  
(215) 563-5587

Washington, D. C.  
(202) 783-7288

3

**PAGINATION AS IN ORIGINAL COPY**



TABLE OF CONTENTS

DOCKET SHEETS	. . . . . A-1 to A-3
JUDGMENT	. . . . . A-4
OPINION DENYING MOTION TO SUPPRESS	. . . . . A-5 to A-7
PERSONAL HISTORY FORM	. . . . . A-8
REFERENCES TO APPELLANT IN GOVERNMENT'S CASE	. . . . . A-9 to A-46

DOCKET ENTRIES  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

U.S.C.A. NO. \_\_\_\_\_

UNITED STATES OF AMERICA

VS

CASE NO. 73 Cr 297

PAUL IAN CHALEFF

JUDGE METZNER

EXTRACT OF DOCKET ENTRIES

DATE

PROCEEDINGS

4-10-73 Deft's AXELROD, LIEBERMAN and LESAVOY- Filed Opinion # 39391 denying defendants motion to suppress wiretap evidence. So ordered. - Metzner, J. (m/n)

4-10-73 Deft's AXELROD, LIEBERMAN and LESAVOY- Filed Opinion #39390 denying defendants motion to inspect Grand Jury Minutes. So ordered. -- Metzner, J. (m/n)

4-18-73 Filed Opinion #39416 .....At the conclusion of the 3-1/2 day suppression hearing, counsel for defendants made a further motion for suppression or in the alternative for a further evidentiary hearing.....Motion denied. So ordered. - Metzner, J.

5-16-74 *Phoyn* Filed commitment & entered return, Deft delivered to *Harvey A. Silverglate*

4-18-73 All defendants- Filed opinion #39417 granting motion to suppress in part and denying motion to suppress in part (for details see opinion). So ordered. - Metzner, J. m/n

4-15-73 AXELROD- Filed commitment and Marshals return - Blvd. deft. to Fed. Det. Hdqts. NYC on 9-13-73

4-15-73 LIEBERMAN- Filed commitment & entered return, Deft. delivered to *Fed. Det. Hdqts. NYC*

4-15-73 *LESAVOY* Filed commitment & entered return, Deft delivered to *Fed. Det. Hdqts. NYC*

Jan-6-73 STEPHEN H. MILLER- Filed corrected Judgment that Judgment of June 8, 1973 is corrected as follows It is adjudged that the defendant is hereby committed to the custody of the Atty. Gen'l or his authorized representative for imprisonment for a period of SIX(6) MONTHS. Pursuant to Section 841(b)(1)(B) of Title 21, United States Code, the defendant is placed on Special Parole for a term of TWO(2) YEARS to commence upon expiration of confinement. The defendant is continued on present bail and to post new bail pending appeal - Metzner, J. (copies issued)

Sep-13-73 LESAVOY- Filed affdvt. of Harvey A. Silverglate re alternate juror, with signature notarized - in lieu of affdvt. without filed on 9-10-73

Jan-8-74 JAMES KRELL- Filed Magistrates docket sheet (received from District of N.J.)



Jan-4-74 PETER G. AXELROD - Filed affdvt. and defts. notice of motion for reduction of sentence - ret. 1-9-74 at 9:30 AM

Jan-7-74 STEVEN T. LIEBERMAN - Filed Notice of Motion returnable on 1/9/74 at 9:30 AM reducing the sentence of deft.

Jan-7-74 PETER GILMAN AXELROD - Filed Supplemental Affidavit in support of Motion.

Jan-9-74 STEVEN T. LIEBERMAN - Filed memo endorsed on Notice of Motion of Jan. 7/74 For all the reasons set forth in the memorandum denying the motion for reduction of sentence by co-defendant Axelrod, this motion is also denied. So ordered - Metzner, J.(m/n)

Jan-11-74 PETER G. AXELROD - Filed memo-endorsed on Notice of Motion dtd. 1/4/74 - Motion for reduction of sentence is denied, for reasons indicated - Metzner (m/n)

4-17-74 CHALEFF - Filed Notice of Motion - for an order extending the geographical limits. bail as to permit him to travel to San Marino, Italy.

5-1-74 CHALEFF - Filed Memo-endorsed on Notice of Motion dtd. 4/17/74--This application is withdrawn as moot - So ordered - METZNER, J.(m/n)

5-15-74 Filed true copy from U.S.Court Appeals attached Mandate --ordered, adjudged the judgments of District Court be affirmed as to appellants Michael Reeves Fl Stephen E. Miller, but the judgment as to appellant Harris D. LeSavoy be as vacated in accordance with the opinion of this Court. (Deft. deceased)(m/n)  
HARRIS D. LE SAVOY - As to this Deft, remanded to the district court as to dismiss the Indictment as to him.

6-21-74 CHALEFF - Filed Affidavit in support of application for Writs of Habeas Corpus Ad Testificandum etc.

7- 5-74 CHALEFF- Filed stip. and order a writ to the Fed. Corr. Facility at Lompoc re witness Peter G. Axelrod shall be deemed satisfied in the event that, in the discretion of prison authorities, witness Axelrod is granted furlough for the purpose of permit Mr. Axelrod to comply with the writ and conditioned upon such compliance. -- Ward, J.

7- 9-74 CHALEFF- Filed order that a writ to the Fed. Corr. Facility at Allenwood, Pa. heretofore issued by the Court on 6-21-74, shall be deemed satisfied in the event that, in the discretion of prison authorities either at West St. NYC or at Allenwood, the witness Lieberman is granted furlough for the purpose of permit Mr. Lieberman to comply with the writ and conditioned upon such compliance. -- Ward, J. m/n

7- 9-74 CHALEFF- Filed Governments affdvt. for a writ if H/C to produce Gilman Axelrod as a witness - writ issued - ret. 7-15-74

7- 9-74 CHALEFF- Filed Governments affdvt. for a writ of H/C to produce James Krell as a witness - writ issued - ret. 7-15-74

Jul- 9-74 CHALEFF- Filed Governments affdvt. for a W/H/C to produce Steven Irwin Lieberman as a witness - writ issued - ret. 7-15-74

7-11-74	CHALEFF - Filed Affidavit for Writ of Habeas Corpus Ad Testificandum
7-18-74	CHALEFF - Filed Writ with Marshal's return dtd 7/11/74
7-25-74	Filed Deft's Supplemental requests to Charge
7-26-74	Filed Writ Satisfied - Duffy, J.
8-2-74	FLOYD- Filed deft's affirmation and notice of motion to reduce sentence with memo endorsed: This motion for reduction of sentence is denied. So ordered. - Moten, J. m/n
8-11-74	CHALEFF - Filed with with Marshal's return dtd 7/9/74
9-23-74	Chaleff - Filed Deft's Memorandum in support of Motion for Judgment of Acquittal et
9-23-74	PAUL I. CHALEFF - It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of SIX(6) MONTHS on count (2). Pursuant to the provisions of Title 21, United States Code, Section 841, the defendant is placed on SPECIAL PAROLE for a term of TWO(2) YEARS to commence upon expiration of confinement. MTZNER, J. (copies issued). (The defendant is continued on present bail pending a
9-30-74	Filed for Paul Ian Chaleff - Notice of Appeal U.S. Court of Appeals for 2nd Circuit from the Final Judgment of Conviction dtd 9/23/74. Copies mailed to U.S. Atty., U.S. Court of Appeal and Deft.

A TRUE COPY

RAYMOND F. BURGHARDT, Clerk

By

*R. Harrison*  
Deputy Clerk



## JUDGMENT

MONTGOMERY, J.

JUDGMENT AND COMMITMENT (Rev. 2-68)

Cr. Form No. 25

## United States District Court

FOR THE

SOUTHERN DISTRICT OF NEW YORK

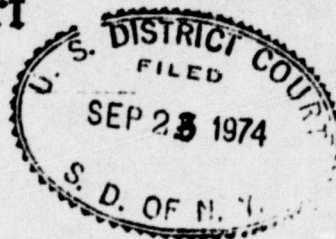
United States of America

v.

No.

Paul I. Chaleff

73 cr. 227



On this 23rd day of Sept., 1974, came the attorney for the government and the defendant appeared in person and by Stephen A. Russo Esq.

IT IS ADJUDGED that the defendant upon his plea of not guilty and a verdict of guilty by a jury

has been convicted of the offense of unlawfully, wilfully and knowingly did possess with intent to distribute a Schedule I controlled substance, (Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).)

~~as charged in count Two(2)~~ as charged in count Two(2) and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of SIX(6) MONTHS on count (2). Pursuant to the provisions of Title 21, United States Code, Section 841, the defendant is placed on PROBATION for a term of TWO(2) YEARS to commence upon expiration of confinement.

The defendant is continued on present bond pending appeal.

MICROFILM

SEP 25 1974

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

*Charles M. Hughes*

United States District Judge.

~~THE COURT HAS ORDERED THAT THE DEFENDANT BE COMMITTED TO THE CUSTODY OF THE ATTORNEY GENERAL OR HIS AUTHORIZED REPRESENTATIVE FOR IMPRISONMENT FOR A PERIOD OF SIX(6) MONTHS ON COUNT (2).~~

*Stephen A. Russo*

Clerk.

Insert "by [name of counsel], counsel" or without counsel; the court advised the defendant of his rights to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel. Insert (1) "guilty and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be. Insert "in count(s) number" if required. Enter (1) sentence or sentences, specifying counts if any; (2) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of preceding term or to any other outstanding unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law. Enter any order with respect to suspension and probation. For use of Court to recommend a particular institution.

## OPINION DENYING MOTION TO SUPPRESS

1971). Finally, the case relied on by defendants, United States v. Colbert, 454 F.2d 801 (5th Cir. 1972), is not in point since the panel judgment was vacated en banc (Docket No. 71-2097, February 14, 1973).

The motion, in so far as it seeks to suppress the contents of the suitcases, is denied.

2. The search and seizure conducted in Apartment 3-B of Paul Ian Chaleff at 229 Columbus Avenue, New York City

Earlier in the day of November 11, the agents had learned through a wire intercept that defendant Axelrod had advised defendant Krell that he could be reached that afternoon at a certain telephone number. A check of that number showed that it was for a telephone listed in the name of defendant Paul Chaleff at 229 Columbus Avenue, Apartment 3-B. The agents were surprised when, in addition to defendants Axelrod and Losavoy, Lieberman came out of 229 Columbus Avenue with a suitcase which turned out to be filled with hashish. They had not seen him go in and assumedly he was present in that building before Axelrod and Losavoy arrived. Consequently, the agents were justified in making an immediate search of the Chaleff apartment to see if there were any other persons



those who were involved in this transaction. 21 U.S.C.  
§ 875(1)(A). Roman v. United States, 435 F.2d 385  
(D.C. Cir. 1970); United States v. Mapp, Docket No. 72-  
2414 (2d Cir. March 28, 1973); United States v. Christophe,  
470 F.2d 865 (2d Cir. 1972).

A group of agents went up to the apartment with  
a key that had been taken from Lieberman, knocked on the  
door, and receiving no answer they opened the door with  
the key. Agent Reilly went down the hall to the farthest  
room and found no one. On his way back he passed what has  
been described as a large walk-in closet or a small room.  
On the floor he observed an open suitcase containing what  
looked like hashish. He seized that suitcase. There were  
other suitcases on shelves in the room which he opened.  
He found them to contain what he thought was hashish.

The seizure of the open suitcase on the floor  
comes within the rule of an "inadvertent" discovery of  
something in plain view. Coolidge v. United States,  
403 U.S. 443, 464-73 (1971). The seizure and search of  
the other suitcases obviously lies outside of this rule  
and the evidence contained in them must be suppressed.

When this search was completed, it appears that the agents were given orders to conduct a general search of the apartment. That search violated the protections of the Fourth Amendment and whatever was seized, if not contraband, must be suppressed and returned.

3. The search and seizure conducted in Apartment 1-C of Peter Gilman Axelrod at 270 Riverside Drive, New York City

When the agents left the vicinity of 270 Riverside Drive to follow the occupants in the yellow Javelin, a number of agents were left behind to continue the surveillance of that address. At one time an announcement came over the radio that defendant Axelrod was one of the occupants in the Javelin. The agents still on surveillance at 270 Riverside Drive who heard that statement disagreed with it because they had not seen Axelrod come out of the apartment house. They inquired over the radio as to whether what they heard was correct. Despite being assured that it was, the surveilling agents disbelieved the information. They were told to secure the apartment at 270 Riverside Drive since arrests had been made at Columbus Avenue.

The agents who went into the apartment believed that Axelrod was still there. Even if they were wrong in



# EXHIBIT - PERSONAL HISTORY FORM

U. S. DEPARTMENT OF JUSTICE  
BUREAU OF NARCOTICS AND DANGEROUS DRUGS

## PERSONAL HISTORY REPORT

(For additional space, use Remarks on reverse and identify item number)

1. USED AS (Check one): <input checked="" type="checkbox"/> PERSONAL HISTORY <input type="checkbox"/> G-DEP SUPPLEMENTAL (If known, give Computer Assigned ID No.) <input type="checkbox"/> G-DEP SUBMISSION		2. FILE NUMBER: <u>C3-77-0176</u>	
3a. IDENTIFIER		3b. PHOTO NO: <u>1745</u>	
4a. NAME (Last, First, Middle, Title, i.e., Dr., Capt.) <u>CHALEFF, PAUL TAN</u>		4b. CHINESE TELEGRAPHIC NAME CODE	
5. ADDRESS (No., Street, City, State, ZIP Code) <u>22-84 DEANX PARK EAST, BECNX, NY</u>		6. ALIAS OR OTHER NAMES: <u>None</u>	
7. TELEPHONE NUMBER (Include Area Code) <u>212 652-8402</u>		8. DATE OF BIRTH (Mo., Day, Year) <u>4/29/47</u>	
9. PLACE OF BIRTH (City, State) <u>BECNX, NY</u>		10. CITIZENSHIP <u>U.S.</u>	
11. ILLEGAL ALIEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		12. NATIONALITY <u>CAUC.</u>	
13. RACE <u>CAUC.</u>		14. SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	
15. HEIGHT <u>5'9"</u>		16. WEIGHT <u>135</u>	
17. EYES <u>BROWN</u>		18. HAIR <u>BLACK</u>	
19. IDENTIFYING CHARACTERISTICS (Scars, Marks, Physical Defects, etc.) <u>APPR. DEFORMITY SCAR</u>		20. OCCUPATION <u>TECHNICAL - CLERK</u> <u>ACCTG. MANAGER, NY</u>	
21. SOCIAL SECURITY NO. <u>122-36 5203</u>		22. F. B. I. NO.	
23. BNDD REGISTRATION NO.		24. OTHER NO'S (Federal/State/Local)	
25. PASSPORT NO.		26. ISSUING COUNTRY <u>U.S.A</u>	
27. NAME ON PASSPORT <u>Paul Tan Chaleff</u>		28. DRIVER'S LICENSE a. STATE OR COUNTRY: <u>NY</u> b. NUMBER: <u>CCS-41 52415</u> c. EXPIRATION DATE: <u>9/30/75</u>	
29. VEHICLE REGISTRATION a. MAKE: <u>Volk</u> b. YEAR OF CAR: <u>1970</u> c. LICENSE NUMBER: <u>EX 52 24</u> d. YEAR: <u>73</u> e. STATE: <u>NY</u>		30. EDUCATION (Level and Name of School) <u>CCNY - B.A. IN ARTS</u>	
31. CLASS OF VIOLATOR (Check one) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4		32. FILE REFERENCES (i.e., DEP Submissions only)	
33. CRITERIA a. (Check one) <input type="checkbox"/> DOMESTIC <input type="checkbox"/> FOREIGN b. (Check one) <input type="checkbox"/> INTELLIGENCE <input type="checkbox"/> DIRECT EVIDENCE		34. CRITERIA IDENTIFICATION (Check all applicable) <input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d <input type="checkbox"/> e <input type="checkbox"/> f <input type="checkbox"/> g <input type="checkbox"/> h <input type="checkbox"/> i <input type="checkbox"/> j <input type="checkbox"/> k <input type="checkbox"/> l <input type="checkbox"/> m <input type="checkbox"/> n <input type="checkbox"/> o <input type="checkbox"/> p <input type="checkbox"/> q <input type="checkbox"/> r <input type="checkbox"/> s <input type="checkbox"/> t <input type="checkbox"/> u <input type="checkbox"/> v <input type="checkbox"/> w <input type="checkbox"/> x <input type="checkbox"/> y <input type="checkbox"/> z	
35. LOCATIONS OF CRIMINAL ACTIVITY (City & State or Country) <u>NYC</u> <u>NY</u>		36a. CRIMINAL ASSOCIATES (Last, First, Middle) <u>None Known</u>	
37. PRIOR CRIMINAL RECORD (Criminal specialties, arrests, convictions) <u>No record at station</u>		36b. SOURCE OF SUPPLY (Name)	
38. AGENT'S NAME (Print or Type) <u>Mitchell</u>		39. AGENT'S SIGNATURE	
40. DATE		41. SUPERVISOR'S NAME (Print or Type)	
42. SUPERVISOR'S SIGNATURE		43. DATE	

REFERENCES TO APPELLANT IN GOVERNMENT'S CASE

1 MEpa Hochman-direct 56

2 I say that the money is there, that I have got the  
3 money, and until I tell you to go ahead with it."

4 That was about it. We had a lengthy  
5 conversation on the telephone just prior to the  
6 meeting this night and that involved the mechanics of how  
7 we were going to do the deal. By mechanics I mean,  
8 was it going to be ten suitcases with 50 lbs. or would  
9 I prefer to have seven suitcases with 75 lbs. of the  
10 hash. We again discussed this at the dinner meeting  
11 I had with him that night.

12 And that was discussed.

13 Q Now, in all these conversations and  
14 telephone calls over the period November 6th to  
15 November 11th, was Mr. Chaleff's name ever mentioned?

16 A No, sir, it was not.

17 Q Did you ever meet Mr. Chaleff prior to  
18 his arrest?

19 A No, sir, I did not.

20 Q What happened --

21 THE COURT: I think before you go on to  
22 something else, I think you ought to explain very  
23 briefly how you happened to have dinner with Axelrod,  
24 a man whom you told us a few minutes ago you had  
25 never met. So far up to the discussion of this  
dinner all you tell us is that Floyd and Krell were



1  
2 THE COURT: Because of what he specifically  
3 did in this case?

4 Q Did you receive a promotion after the Krell  
5 investigation?

6 THE COURT: He has already said yes.

7 A Yes, I did.

8 Q Was there a salary increase along with it?

9 A Yes, there was.

10 THE COURT: That wasn't your question.  
11 Are you withdrawing your question? Your question was  
12 did he receive a salary increase specifically because  
13 of an investigation in the Krell case.

14 Are you withdrawing that question?

15 MR. RUSSO: No, I am not.

16 Q Did you?

17 A The answer to that would be no.

18 Q But you did receive a promotion after  
19 the Krell investigation?

20 A Yes, I did.

21 MR. RUSSO: May I have just a moment, your  
22 Honor.

23 Q Agent Hochman, when you were at Krell's  
24 house, on the first occasion which was October 30th,  
25 did you have or, you had a conversation with him there,

1  
2 is that correct?

3 A With whom?

4 Q With Krell.

5 A Yes.

6 Q Was Mr. Chaleff there, the defendant?

7 A No, he was not.

8 Q Did you speak with Mr. Chaleff over the  
9 telephone?

10 A No, I did not.

11 Q Did Mr. Krell ever mention Mr. Chaleff's  
12 name?

13 A No, he did not.

14 Q Did Mr. Floyd ever mention Mr. Chaleff's  
15 name?

16 A No, he did not.

17 Q Did Peter Axelrod ever mention Chaleff's  
18 name?

19 A No, he did not.

20 Q Did you ever have a conversation with  
21 Steven Liebermann prior to the arrest?

22 A No. --

23 Q How about Steven Ableman, did he ever  
24 mention Chaleff's name?

25 A No, he did not.

A-11



Q Over the course of the incidents at the Holiday Inn, did you ever meet Mr. Chaleff?

A No, I did not.

Q Did anyone at the Holiday Inn ever mention Mr. Chaleff's name?

A No, no. It was not mentioned.

Q Mr. Hochman, is it fair to say that prior to the arrest in this case you have never heard any mention of the name, identity of Paul Chaleff?

A Yes, that's correct.

Q That's correct?

A That's correct.

Q And you never met with Mr. Chaleff prior to his arrest?

A That's correct.

Q You never heard Mr. Chaleff's name mentioned on any of the tapes or the intercepts, is that correct?

A That's correct.

MR. RUSSO: Your Honor, I have no further questions, with the provision that I would like an opportunity to examine Mr. Hochman's notes and reserve the right to recall him tomorrow for some limited cross examination.

THE COURT: All right.

A-12

1  
2 A Well, he was sort of a contact in between  
3 James Krell and the people in New York to get the  
4 hashish.

5 Q What was James Krell's role?

6 A James Krell was going to sell to Special  
7 Agent Hochman, or at that time -- at the time he didn't  
8 know it was Special Agent Hochman, obviously.

9 Q What was Stephen Miller's role?

10 A Stephen Miller had the same role I did, he  
11 was also a driver. He would go pick up hashish in  
12 New York and bring it to New Jersey.

13 Q All those people were convicted along with  
14 you in connection with this case, is that correct?

15 A Yes, they were.

16 Q At any time did you ever have any dealings  
17 with the defendant Paul Chaleff?

18 A No, I did not except for the first -- I  
19 think either on our arraignment or the first day in  
20 Court was the first time I ever saw him.

21 Q In other words, after you were arrested,  
22 was the first time you met Paul Chaleff?

23 A Exactly.

24 Q Did you ever speak with him over the  
25 telephone?

A-13



1  
2 A Never.

3 Q You never met with him personally?

4 A Never.

5 Q Did you ever hear anyone else, your fellow  
6 co-conspirators mention his name?

7 A Never.

8 Q Prior to the arrest?

9 A Never.

10 Q As far as you know, Paul Chaleff was  
11 not involved in this, is that correct?

12 A As far as I know.

13 MR. RUSSO: No further questions.

14 REDIRECT EXAMINATION

15 BY MR. CUTNER:

16 Q Mr. Ableman, you say you didn't know  
17 what Steven Liebermann's role was until after  
18 you were all arrested, is that correct?

19 A I wasn't really sure because I was  
20 just introduced to him before in a car just by his  
21 first name.

22 Q Were you aware of what Harris Lesavoy's role  
23 was prior to the time that you were all arrested?

24 A Yes, I heard his name as being mentioned.  
25 I never had met him or anything like that.

A-14

1

2

Q That you definitely recall?

3

A That I definitely recall.

4

Q And Michael Floyd came in with you,

5

correct?

6

A Yes.

7

Q Sometime during that evening, would it

8

be fair to say you had a discussion with Axelrod and

9

Liebermann?

10

A With Axelrod, not with Liebermann.

11

Q Where did this discussion take place?

12

A It took place in a bedroom off the living

13

room.

14

Q And you removed yourself to this bedroom, is

15

that correct?

16

A Yes.

17

Q Who else was present at this meeting?

18

A Myself, Michael Floyd and Peter

19

Axelrod.

20

Q The three of you?

21

A The three people.

22

Q Do you recall if Liebermann ever came into

23

the room while you were discussing business?

24

A No, he never did.

25

Q Let me ask you this, was the defendant Chaleff

A-15



present at that meeting?

A No, he was not.

Q Now, what was discussed at the meeting?

A Price, how we would arrange it, how we would arrange the transport of the hash, where we would do the deal.

Q And did you come to a permanent understanding?

A Yes, we decided that we would try it down at the Holiday Inn in New York City at between 10th and 11th and what the price was going to be, I think was it was going to be something like 471.

Q Now, let me ask you this: Did you decide on the Holiday Inn as the place where the deal was going to go down at that party?

A Yes. At that time. I mean, I had thought of it before, and --

Q But the arrangements were made for the Holiday Inn that evening, is that correct?

A Yes.

Q And when you spoke with Agent Hochman later on you told him it was going to be the Holiday Inn, is that correct?

A Right, right.

Q Now, when did you speak with Agent Hochman

A-16

Q And the two of you talked to Agent Hochman, is that right?

A Yes, we talked and then we went up to his room and then began to talk.

Q Now, when you were in the bar area did you see Paul Chaleff?

A No, I did not.

Q And when you went up to the room at any time did you see Paul Chaleff in the room?

A No, I did not.

Q And in the room you were discussing the essence of the transaction, is that correct?

A That's correct.

Q And in particular, time, quantity, and price, is that right?

A Right.

Q And Paul Chaleff was not there?

A No, he was not.

Q Did you ever talk to Paul Chaleff on that day?

A No, I did not.

Q Did you ever hear anyone mention his name?

A No, I did not.

Q Now, what was the conversation that you had,

A-17



1 friends, we had known each other for about  
2 two and a half years.

3  
4 Q Did you know anything about Chaleff?

5 A No, I do not.

6 Q Never heard his name mentioned, is that  
7 correct?

8 A Never.

9 THE COURT: May I see counsel up at the bench,  
10 please.

11 (At the side bar.)

12 THE COURT: This cross examination is  
13 just an aimless and unnecessary cross examination as  
14 far as the issues in this case are concerned. This  
15 man never met Chaleff, didn't know who he was, never  
16 heard of him. You are going through step by step of  
17 everything that came out on direct examination, crossing  
18 two's and dotting fifties and I don't understand it.

19 MR. RUSSO: I am almost at the end.

20 THE COURT: You are going on and on here for  
21 things that don't involve your client at all. The  
22 Holiday Inn has nothing to do with you. He wasn't even  
23 in New York on the 11th.

24 MR. RUSSO: I am almost finished, your Honor.

25 THE COURT: Are you trying to prove he wasn't

A-18

to have the drivers get in touch with him.

Q To get in touch with Axelrod?

A Yes, when they got to New York.

Q Later on in the conversation Axelrod said, "Forget that number," is that correct?

A Yes.

Q Do you know whose telephone number that is?

A No, I do not.

Q Do you recall testifying on a prior occasion where you said it was Lieberman's telephone number or you thought it was?

A I thought it was Lieberman's telephone number at the time.

Q You thought it was Lieberman's number?

A I guess that's what I thought at that time, yes.

Q Mr. Krell, the Government's Exhibit 4 is stuff that you were going to sell to Agent Hochman. Is that good stuff, is that good hashish?

MR. CUFNER: Objection, your Honor.

THE COURT: Sustained.

MR. RUSSO: Well, as a person who has dealt in hashish before, would you say that that was of a good quality?

A-11



1 the Javelin, at that point Miller got out of the  
2 Javelin, opened the trunk of the Javelin and at that  
3 moment the agents closed in to effect the arrest of  
4 Miller, Axelrod and Lesavoy.  
5

6 Q Do you recall anything else happening at  
7 that time?

8 A Approximately at the same time or maybe five  
9 or ten seconds afterwards, another individual came out  
10 of 229 Columbus Avenue with a suitcase in his hand, and  
11 that individual was Steven Lieberman.

12 Q Had you ever seen him before?

13 A No, not actually. He was placed under  
14 arrest also.

15 Q He was identified after the arrest?

16 A That's correct.

17 Q What was Steven Lieberman doing?

18 A Steven Lieberman at that time had  
19 a suitcase in his hand and he was arrested, brought to  
20 the government vehicle, and I was in the proximity of  
21 another agent who got the key to 229 from Steven -  
22 Lieberman, myself and other agents entered 229 Columbus  
23 Avenue and went to Apartment 3-N.

24 Q Do you know whose apartment that is listed?

25 A Yes, sir.

A-20

Q Whose apartment is that?

A Paul Chaleff's.

Q How do you know that?

A Well, on the door it had Paul Chaleff on it, but prior to that day, earlier around 11:00 that morning, Saturday the 11th, there was an intercepted conversation between Axelrod and Krell, there was a wiretap on James Krell's phone. That conversation between Axelrod and Krell, Axelrod related to Krell that there was a telephone number that he could be reached at.

Q Do you recall what that number was?

A Not offhand, it's in my notes, sir.

Q I show you Government's Exhibits 1 and 5 and I ask you if those exhibits refresh your recollection as to the telephone number that you picked up on the wire tap?

A Yes, sir.

Q What was the phone number that you picked up on the wiretap?

A It was 212-874-6727.

Q Whose phone number was that?

A It was subscribed to by Paul Chaleff.

Q At what address?

A Apartment 3-N, 229 Columbus Avenue, New York City

A-21



1                   Q       Was Mr. Chaleff's name also on the mailbox  
2  
3       in the building at 229 Columbus Avenue?

4                   A       Yes, I believe it was, yes, sir.

5                   Q       What happened when you went into  
6       Mr. Chaleff's apartment?

7                   A       Myself and other agents knocked at the door.  
8       We had the key. There was no reply, so then we entered  
9       and we went in looking for people. Immediately gave --

10                  Q       You said you went in looking for people?

11                  A       Yes, sir.

12                  Q       What people?

13                  A       Well, we didn't know, we didn't know how many  
14       people were involved in this case, so we went into the  
15       apartment, and went through the rooms quickly looking  
16       for people. The initial entrance -- we didn't see anyone.  
17       On my way back I happened to look into a small room, and  
18       I saw on the floor a suitcase, open, full of what  
19       appeared to be hash.

20                  Q       Would you describe for us Mr. Chaleff's  
21       apartment as best you recall?

22                  A       Yes, sir, his apartment faced north. -As  
23       you open the door you'd be looking straight down a long  
24       railroad corridor, if you will, railroad flat. As you  
25       go down there's no rooms at all to the left, they are all

A-22

1 to the right as you walk down it. The first door  
2 as I remember it, off the hall, would be the kitchen.  
3 The next one would be this large walk-in closet, the next  
4 would be going into an "L" shape, would be the  
5 living room, and I believe off the living room you have  
6 a bedroom.  
7

8 Q And where was it exactly in the apartment  
9 that you found the open suitcase of hash?

10 A In the walk-in closet on the floor.

11 Q Were there any other closets in the  
12 apartment?

13 A I don't remember.

14 Q You don't recall any others?

15 A No, sir.

16 Q What else was in the walk-in closet besides  
17 the suitcase of hash?

18 A I remember some clothes, I believe some  
19 books.

20 Q Do you recall anything else?

21 A There was a strong aroma of hash. You  
22 know, I am not an expert but it appeared to be  
23 coming from hash. That's all I remember -- box and  
24 some clothes.

25 THE COURT: Was there a door on this

A-23



so-called walk-in closet or was it an open area?

A It was open. I don't remember if there is a door or was a door, your Honor.

THE COURT: Go ahead.

Q Can you tell us approximately how large this walk-in closet was?

A As I remember it, maybe six feet wide by nine feet long. That's as close as I remember.

Q Do you recall how many beds there were in the apartment?

A I remember seeing a bed in the bedroom, just one bed, as I recall.

Q Were there any other beds in the apartment?

A I don't recall. I don't believe there were.

Q Did you see anything in the apartment that indicated to you that there was more than one person living there?

MR. RUSSO: Objection, your Honor.

THE COURT: Overruled.

A There was -- I believe there was a young lady, possibly clothes, female clothes. As best I can recall.

Q Do you recall anything else?

A No, sir.

A-24

Q Now, did there come a time when you and other officers searched the apartment occupied by Steven Liebermann on West 12th Street in Manhattan?

A Yes, sir. That was later in the evening, or early on the 12th.

Q Did you have a search warrant signed by a U.S. Magistrate?

A Yes, sir, we did.

Q What did you find in the apartment of Mr. Liebermann?

A Approximately 10 suitcases full of hash which was seized by other agents.

Q Now, apart from the hashish seized from Lesavoy and Axelrod and Liebermann in front of Mr. Chaleff's apartment on the street, apart from the hash that you found in Mr. Chaleff's apartment and Mr. Liebermann's apartment, was there any other hash that was seized in connection with this investigation?

A Well, there was hash seized at James Krell's residence.

Q Was there any other hash that was seized?

A We seized hash at Axelrod's residence, 270 Riverside Drive.

Q When was that?

A-26



1  
2 A That was seized a few minutes after we  
3 entered 229 Columbus Avenue so maybe 3:15 P.M. on  
4 Saturday, the 11th.

5 Q You weren't there when this was seized  
6 though?

7 A No, sir, I wasn't. I was at Columbus  
8 Avenue.

9 Q Was the hash that was seized that day in  
10 Krell's apartment and Axelrod's apartment and  
11 Chaleff's apartment and in front of Chaleff's  
12 apartment, was that hash taken to a chemist for analysis?

13 A Well, that day, that night, when all the  
14 hash was collected, we locked it at 90 Church Street,  
15 which at that time was our headquarters. We kept the  
16 hash in separate seizure, separated so there is no  
17 confusion. Much later, on Monday, I believe it was the  
18 13th, I took some hash randomly out of each suitcase,  
19 say three bricks of hash out of each suitcase, and  
20 I then carried that to our chemist on the 15th and  
21 16th of November for analysis.

22 Q And do you recall the approximate total weight  
23 of the seizure, or that is, all of the seizures on that  
24 day?

25 A Yes, sir, totaled approximately 1,100 lbs.

A-26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MEpa

Reilly-direct

186

of hash.

Q Do you know what the value was of all that hash?

MR. RUSSO: Objection.

THE COURT: Sustained.

Q Mr. Reilly, you had never seen Paul Chaleff prior to his arrest?

A No, sir.

Q You had never seen Harris Lesavoy prior to his arrest?

A No, sir.

Q Had you ever seen Steven Niehermann prior to his arrest?

A No, sir, I did not.

Q Who had you seen in connection with this investigation?

A Well, I had seen Peter Axelrod.

THE COURT: Wait a second. This is slightly misleading. He saw Lesavoy prior to his arrest. He may not have known who he was, but he saw him.

Q Well,--on the morning of November 11th, at the time of the arrest, you saw him with a suitcase and then you arrested him?

A Yes, sir.

A-27



Q Did you discuss at that time the names or identities of suspects?

A Yes, sir.

Q Did you have any identifiable suspects at that time other than James Krell?

A Possibly a Peter, that's about all I could say at that early stage.

Q During the course of the investigation, as the events started happening, did you learn the names of other suspects?

A Yes, sir, we did.

Q Could you give us those names, please?

A Yes, sir, James Krell, Peter Axelrod, later on into the investigation Harris Lesavoy, Steven Lieberman, Stephen Miller, and Steven Ableman. I don't know if we had Ableman identified as to his last name at this point.

Q What about Michael Floyd?

A I don't remember if we had -- I believe we did have Floyd identified probably by the 10th.

Q Well, let me ask you this: You did confer with Agent Hochman periodically, didn't you?

A Yes, sir, we did.

Q And you spoke with him after the incident.

A-28

in that range?

A Yes, sir.

Q Let me ask you this: As case agent, did you listen to all of the Kel recordings, those are the transmitted recordings?

A Yes, sir.

Q And probably how many hours or how many communications were involved in the Kel recordings?

A On Kel, how many?

Q How many Kel?

A How many Kel recordings there were?

Q Yes.

A There were two.

Q Not two tapes.

A That's correct.

Q And how many instances of conversations had appeared on these two Kel tapes?

A Well, Agent Hochman wore a Kel at the Holiday Inn and he wore a Kel in the house on the 11th so there are two Kel recordings.

Q I see one from November 1st and one from November 11th.

A That's right.

Q And is it your testimony that there were no

A-21



1  
2 Kel recordings in the interim between November 1st and  
3 November 11th?

4 A No Kel recordings, sir.

5 Q And as a result of listening to all of these  
6 recordings, about the Kel and the intercepts, did you  
7 compile a list of suspects?

8 A Yes, sir.

9 Q And as of November 11th, 1973, was Paul  
10 Chaleff's name mentioned or was his name in any  
11 way indicated on any of the recordings?

12 A Was his name mentioned on the recordings?

13 Q Yes.

14 A No, sir.

15 THE COURT: Was he identified in any way  
16 prior to -- prior to November 11th?

17 THE WITNESS: No, your Honor.

18 Q And in your conversations with your brother  
19 officers as case agent was his name or identity ever  
20 mentioned?

21 A Prior?

22 Q Prior to November 11th.

23 A No, sir.

24 Q As a result of listening to the intercepts,  
25 did you learn anything about possible locations where

A-30

hashish might be located in New York?

A Yes, sir.

Q Did you have any definite identifiable location as a result of listening to the recordings?

A You mean certainty, sir, or probable cause?

Q Probable cause is a legal conclusion. My question is, did you have any identifiable location within the City of New York where you felt hashish was located?

A On the 11th of November?

Q On the 11th, that's correct.

A From the intercept we had reason to believe Paul Chaleff's apartment could be a stash.

Q From the intercept?

A Yes, sir.

Q From that one communication?

A Yes, sir.

Q The mere mention of a telephone number, is that correct?

A Not from the context of what was -- from the context of what was happening that day.

Q You listened to that telephone communication which I believe is in evidence as Govern-

A-31



Q Could it have been another room?

A I can only say a large walk-in closet to me.

MR. RUSSO: Your Honor, with the Court's permission may I show this to the jury?

THE COURT: Yes.

Q Agent Reilly, in that room that you just told us about, did you notice any furniture?

A I can't recall, sir. All I can say is it was cluttered.

Q Did you notice a loft?

A Yes, sir.

Q A raised bed?

A Not a bed --

Q A platform?

A A platform.

Q Did you see whether there was a mattress on that platform?

A I don't recall.

Q And with regard to the rest of the apartment, did you notice any couches in the living room?

A I don't recall.

Q How about the bed in the bedroom that you

A-32

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A Yes, sir.

O Agent Reilly, do you recall whether some of you or your brother officers searched that apartment in addition to what you just testified to?

A Yes, sir, we did search that apartment.

Q And aside from hashish, do you recall whether any other items were seized from that apartment?

A I believe Mr. Chaleff's passport, some papers, maybe some photos, I don't know. I do remember we returned the material.

Q Do you recall whether anything bearing the name Steven Liebermann was seized from that apartment?

A Yes, sir, I believe that's correct. I believe there was an envelope.

Q Could it have been Liebermann's passport?

A I am sorry, sir, we also have Steven Liebermann's passport, but whether --- I don't know whether we took it from Mr. Chaleff's apartment or from Mr. Liebermann's apartment.

Q Do you recall whether any items of Mr. Liebermann's were seized from Mr. Chaleff's apartment?

A-33



1 MEpa  
2 A I do believe we found a letter addressed to  
3 Steven Liebermann.

4 Q At that address?

5 A I believe so.

6 Q Did you see any male clothing in the  
7 apartment?

8 A Yes, sir.

9 Q As far as that's concerned you don't  
10 know whether that was Mr. Liebermann's or Mr. Chaleff's?

11 A No, I don't.

12 Q You have seen both Mr. Liebermann and  
13 Mr. Chaleff, haven't you?

14 A Yes, I have.

15 Q Would it be fair to say they are the  
16 same approximate size, height, weight?

17 A I believe Mr. Liebermann is a little  
18 bit taller.

19 Q But it's not a difference like six feet as  
20 against five feet?

21 A No, no, sir.

22 Q In the same general range, isn't that fair to  
23 say?

24 A Fair to say.

25 Q So you couldn't determine whose clothing you  
saw in the apartment?

A34

garbage bag, plastic bag?

A No.

MR. RUSSO: All right, you can resume the stand.

(Witness resumes stand.)

Q Mr. Reilly, as case agent were you in charge of the chain of custody of the evidence in this case?

A It was my responsibility to make certain that seizing agents properly kept the evidence together, but it was my job also to document what agent seized what at what location.

Q In other words, take it step by step?

A Step by step overview.

Q In the course of your duties did you examine each and every one of the bags that were seized from the various locations? Did you open the bags?

A I believe I looked at just about every bag.

Q And let me ask you this: Did you notice whether in those other bags that were seized there were green or brown or some opaque-colored garbage bag covering?

A Yes, I noticed that, there were garbage bags.

A-35



1  
2 Q Was this bag or any of the bags submitted for  
3 fingerprint analysis?

4 A No, sir.

5 Q Did you obtain fingerprints in any bag?

6 A It's not standard procedure to submit that.

7 Q I am talking about this case.

8 A No, sir, I did not.

9 Q What did you do with that item of  
10 Mr. Liebermann's that you seized from the Chaleff  
11 apartment?

12 A Which item, sir, you mean the letter?

13 Q You testified that you obtained a letter.

14 A I believe we got a letter from Mr. Chaleff's  
15 apartment. Where it is now, I don't know.

16 Q Agent Reilly, the loft that we talked  
17 about in that room that you circled on the diagram,  
18 how high off the ground would you say that loft was.  
19 to the best of your recollection?

20 A I'd say about six foot.

21 Q Six foot off the ground?

22 A Yes, sir.

23 Q Do you recall seeing a ladder or some  
24 set of steps leading up to that loft?

25 A I don't recall that.

A-34

whether there was a place for a stash. That's what Mr. Russo asked.

MR. CUTNER: Mr. Russo asked whether it was the mere telephone number.

THE COURT: I am sorry, the question was, "Did you have --" the exact words I don't recall, "How did you have an idea that it was a place where the stuff might have been stashed," and the witness said, "From picking up the telephone number from the intercepted conversation between Axelrod and Krell." That was the testimony.

Now, what's your question? That's all he said.

Q Was there any other information you had in your possession that led you to believe that Mr. Chaleff was involved?

THE COURT: Prior to when?

MR. CUTNER: By November 11th.

THE COURT: He said there was nothing. This occurred on November 11th.

Isn't that true?

THE WITNESS: The phone call occurred on November 11th.

THE COURT: He said nothing before, I

A-37



1 distinctly phrased my questions to the agent prior to  
2 November 11th, he never heard of Chaleff.

3 Q Referring then to November 11th, did  
4 you have other information that led you to believe that  
5 Mr. Chaleff was involved?  
6

7 MR. RUSSO: Objection, your Honor.

8 THE COURT: Overruled.

9 A The context of what Peter Axelrod --

10 THE COURT: Well, aside from that.

11 THE WITNESS: Aside from the total conversation, your  
12 Honor?

13 THE COURT: Nothing else?

14 THE WITNESS: Nothing else.

15 Q There was nothing else or you recall nothing  
16 else?

17 A I don't recall --

18 THE COURT: Obviously, he can only testify  
19 to what he recalls.

20 Q Well, do you recall Mr. Krell and Mr. Axelrod  
21 went on November 1st and were you --

22 MR. RUSSO: Your Honor, I object to the  
23 leading of the witness.

24 THE COURT: Sustained.

25 MR. CUTNER: I have nothing further, your Honor.

A-38

1  
2 A I asked her if I could help her with the  
3 packages, and she said yes. And I took one of the  
4 bags from her, and we stood at the door together  
5 and a woman answered the door and admitted us into  
6 the apartment.

7 Q What happened when you went in the apartment?

8 A After I was in the apartment, I identified  
9 myself to the woman. Her name was Jones.

10 Q Who was there at that point?

11 A At that point in the apartment was Jones,  
12 another woman whose name I don't recall, Chaleff and  
13 the girl that I had come into the apartment with.

14 Q Who is Chaleff?

15 A Who is Chaleff?

16 Q Yes.

17 A I didn't know at the time who he was.

18 THE COURT: Do you see him in the  
19 courtroom now?

20 THE WITNESS: Yes, your Honor.

21 THE COURT: Identify him.

22 THE WITNESS: He is sitting at the second  
23 table here, he is wearing a black suit and a black  
24 tie.

25 THE COURT: Identity conceded, Mr. Russo?

A-31



MR. RUSSO: Yes, your Honor.

THE COURT: All right.

Q What happened after you identified yourself as a federal agent?

A I first identified myself to the woman, and within a matter of seconds after I identified myself to her, Chaleff approached me and I identified myself to him, I had a brief conversation with him. And at about this time or shortly after this time I was joined in the apartment by the two other agents, Agents Peterson and Agent Kobell, and we proceeded to look for Mr. Axelrod who we were going to arrest, and I looked into the bedroom of the -- the first bedroom that I came to in the apartment in an attempt to find Mr. Axelrod and place him under arrest, and I found a suitcase, which was opened, and it contained -- it was full of hashish, and at this point, I proceeded to place two of the occupants of the apartment under arrest.

Q Who were they?

A Chaleff and Jones.

Q What did you do with the other two?

A Well, I had a conversation with each of them, and from my conversation I determined that the girl that

A-40

1  
2 opened.

3 MR. RUSSO: You may resume the stand.

4 (Witness resumes stand.)

5 Q Now, Agent Hall, was it your testimony that  
6 you don't recall where Chaleff was when you first saw  
7 him?

8 A I don't recall where he had come from. I  
9 don't recall where I first saw him, no. But I  
10 remember that he did approach me.

11 Q He approached you from one of the  
12 directions?

13 A From one direction or the other.

14 Q Where was the other girl, other than Jones,  
15 where was she?

16 A I believe she was in the living room.

17 Q Now, did you ever see Chaleff in that  
18 bedroom?

19 No, sir, I did not.

20 Q Did you ever see him touch the bag in  
21 any way?

22 A No. --

23 Q At what point did you place Chaleff under  
24 arrest?

25 A After I -- after I seized the hashish,

A-41



observed the hashish ---

Q After you seized it?

A I seized it.

Q And it was after this?

A After I observed or seized the hashish in the bedroom.

Q How long a period of time elapsed between the time you entered the apartment and the time you made this observation of the hashish?

A It was less than five minutes.

Q And was anyone -- were your other brother officers in the apartment?

A Yes, sir.

Q At that time?

A Yes, they were.

Q Now, is it your testimony that you placed Jones and Chaleff under arrest?

A Yes, sir.

Q And as a result of your conversations with the girl with the grocery bags, and the other girl in the apartment, you decided not to place them under arrest, is that correct?

A The other two girls, yes.

Q Let me ask you this: You say you placed

A-42

1 Jones under arrest. She was not charged in this  
2 indictment, was she?

3 A I don't know.

4 Q And what was the conversation that led  
5 you to arrest Jones?

6 A She said she lived there.

7 Q And what was the conversation that led you  
8 to arrest Chaleff?

9 A Well, it wasn't only the conversation that  
10 led me to arrest him but the conversation which I had  
11 with him that helped lead me to arrest him was that  
12 as soon as I identified myself to him standing in  
13 front of the door, he immediately asked for a search  
14 warrant and I wasn't searching.

15 Q You had just gone through the apartment,  
16 hadn't you?

17 A No, sir, I had not. I was standing in  
18 front of the front door and I said, "I am a federal agent,"  
19 and he immediately asked for a search warrant.

20 Q And do you recall whether any of your  
21 brother officers had their guns drawn?

22 A I don't recall.

23 Q Did you have your gun drawn?

24 A I did not.

25 A-43



1                   A       We didn't search any rooms.

2                   Q       What rooms did you canvas or scout out or  
3                   whatever?

4                   A       I assisted in securing that bedroom and  
5                   another bedroom, I forgot which number it was on the  
6                   chart, but also I believe the living room.

7                   Q       Agent Hall, do you recall testifying on  
8                   a prior occasion in this proceeding?

9                   A       Yes, I do.

10                  Q       Do you recall, referring to 762:

11                  "Q       Agent Hall, you indicated that defendant  
12                  Chaleff asked you for a search warrant and then asked  
13                  you for a lawyer, is that correct?

14                  A       Yes, sir, to the best of my recollection  
15                  he asked for both.

16                  Q       Was this before or after you had announced  
17                  yourself as a Special Agent?

18                  A       I believe it was after I announced myself  
19                  as a Special Agent.

20                  "Q       Did you say anything else when you  
21                  announced yourself as a Special Agent?

22                  A       Eventually, yes. I don't remember if I said  
23                  anything immediately after.

24                  "Q       Did you say if anyone was under arrest?

25                  A       Sometime after I announced myself as a

A-44

Special Agent. "

Do you recall giving those answers?

A Yes, sir.

Q At what point did you place him under arrest?

A After I found the drugs.

Q Mr. Hall, in your search of the apartment did you see any ceramic mural tiles?

A No.

Q Did you search the living room area or did you canvas the living room area?

A Yes, I was in the living room. I don't recall seeing anything like that.

Q At the time you entered the apartment were you aware of the name Peter Axelrod?

A Yes.

Q When you arrested Mr. Chaleff you knew he was not Peter Axelrod, is that correct?

A Yes, sir.

Q Did you conduct an initial search of Mr. Chaleff when you arrested him?

A I don't recall if I personally conducted the search.

Q Did you take out an I.D.?

A-45



1  
2 A I don't recall if I took out his  
3 identification. I believe I saw some identification.

4 Q Agent Hall, when you first approached  
5 Mr. Chaleff and said you were a federal agent, did  
6 he make any attempt to flee, run away from you?

7 A No, he didn't.

8 Q Agent Hall, in examining the apartment Number  
9 1-C at 270 Riverside Drive, would the door that you  
10 came through be the only door or entrance to the  
11 apartment?

12 A I don't remember.

13 Q Did you examine the area in the vicinity of  
14 the kitchen?

15 A I didn't examine it, no.

16 Q But he made no attempt to flee?

17 A No, sir.

18 Q What exactly did you arrest Paul Chaleff  
19 for?

20 A Violation of the Federal Narcotics Laws.

21 Q Based upon what?

22 A Based-on several things.

23 THE COURT: No issue here of prior arrest.

24 MR. RUSSO: Withdrawn, your Honor.

25 MR. RUSSO: No further questions.

A-46

## US COURT OF APPEALS: SECOND CIRCUIT

USA,

Appellee,

against

CHALEFF,

Appellant,

Index No.

Affidavit of Personal Service

STATE OF NEW YORK, COUNTY OF NEW YORK

ss.:

I, Victor Ortega, being duly sworn,  
deposes and says that deponent is not a party to the action, is over 18 years of age and resides at

1027 Avenue St. John, Bronx, New York

That on the 16th day of Dec 1974 at Foley Square, New York City

deponent served the annexed

Appendices

upon

Paul J. Curran

the in this action by delivering a true copy thereof to said individual  
personally. Deponent knew the person so served to be the person mentioned and described in said  
papers as the Attorney(s) herein,

Sworn to before me, this 16th day of Dec 1974

*Victor Ortega*  
Print name beneath signature

VICTOR ORTEGA

*Robert T. Brin*  
ROBERT T. BRIN  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 31 - 0418050  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES 12/31/75



